

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

IN THE MATTER OF THE
SEARCH OF:

CASE NO. 3:19MJ509-MJN

Samsung Galaxy S7 Cellphone model
SMG891A IMEI 358518071016546 that is stored
at premises controlled by the FBI

MOTION TO SEAL SEARCH WARRANT, APPLICATION, SUPPORTING
AFFIDAVIT AND RETURN

Now comes the United States Attorney and moves this Court, pursuant to Rule 16(d)(1) of the Federal Rules of Criminal Procedure, and the Court's inherent power to control papers filed with the Court, for a protective order sealing the Search Warrant, Application, Supporting Affidavit and Return until January 31, 2020.

In support of this Motion, the United States Attorney states:

1. An Order was issued on August 16, 2019.
2. That there is no Indictment or Information pending before any United States District Court which necessitates the disclosure of the Supporting Affidavit at this time.
3. Pursuant to Rule 12 of the Federal Rules of Criminal Procedure the proper time for moving to suppress evidence obtained pursuant to the search warrant is subsequent to the filing of an Indictment or Information and Arraignment thereon. Therefore, no prejudice would be caused to any defendant or potential defendant by the granting of this motion.

4. That the disclosure of certain information and statements contained in said documents would hamper an ongoing criminal investigation.

WHEREFORE, the United States of America respectfully requests that the Search Warrant, Application, Supporting Affidavit and Return be sealed and kept from public inspection until January 31, 2020.

Respectfully submitted,

BENJAMIN C. GLASSMAN
United States Attorney

s/Vipal J. Patel

VIPAL J. PATEL (156212 CA)
Assistant United States Attorney
Attorney for Plaintiff
Federal Building
200 West Second Street, Suite 600
Dayton, Ohio 45402
(937) 225-2910
Fax: (937) 225-2564
Vipal.Patel @usdoj.gov